

CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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**FOR IMMEDIATE RELEASE
October 17, 2012**

**CONTACT: Carolyn Lisa Miller
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TEACHER FINED \$4,000 FOR SELLING SOAP TO HIS STUDENTS DURING CLASS

A Teacher for the New York City Department of Education (“DOE”) has paid the New York City Conflicts of Interest Board (the “Board”) a \$4,000 fine for selling bars of soap to his students and for incentivizing those sales by offering ten Character Incentive Program “keys” and then a “no homework pass” in exchange for each purchase.

The Teacher admitted that, during the 2011-2012 school year, his school held a Character Incentive Program, designed to help students improve social skills and academics and build good character. As part of the program, teachers would give students “keys” which could later be redeemed for small items. In November 2011, during class, the Teacher told his students that he was selling soap for \$3.00 or \$4.00 a bar and, with each purchase, he would give the student 10 “keys.” In January 2012, during class, the Teacher told his students that, for each bar of soap purchase, the student would also receive one “no homework pass.” At least three students purchased one bar of soap each, receiving 10 “keys” each; one student purchased three bars of soap and received 30 “keys”; and at least one student received a “no homework pass.”

The Teacher acknowledged that, in so doing, he violated the City’s conflicts of interest law provisions prohibiting public servants from using their City positions to benefit themselves and from using City time for a non-City purpose. For these violations, the Teacher paid a \$4,000 fine to the Board. A copy of the disposition is attached [here](#). All of the Board’s dispositions are available free of charge, in full-text searchable form, on the website for the Center for New York City Law at New York Law School (www.CityAdmin.org).

Carolyn Lisa Miller, Director of Enforcement, handled this case for the Board. The Board gratefully acknowledges the work of its confidential investigative arm, the New York City Department of Investigation (“DOI”),

DOI Commissioner Rose Gill Hearn, Special Commissioner of Investigation for the New York City School District (“SCI”) Richard J. Condon, and SCI Investigator Salvatore P. Mancuso, who handled the investigation.

The Conflicts of Interest Board is the City’s ethics board and is charged with interpreting and enforcing the City’s the conflicts of interest, financial disclosure, and lobbyist gift laws. For more information about the Board, visit: <http://nyc.gov/ethics>. Anyone with questions about the law is urged to contact the Board through its website or by calling (212) 442-1400.

The Board does not comment on its dispositions, except as set forth above. For additional public information about the Board’s enforcement activities—including summaries of all prior enforcement dispositions and fines imposed—visit the Board’s website: www.nyc.gov/html/conflicts/html/units/enforcement.shtml.

THE CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

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<i>In the Matter of</i>	:	
	:	<u>DISPOSITION</u>
	:	
MARLON SCANTERBURY	:	COIB Case No. 2012-328
	:	
	:	
Respondent.	:	
	:	
-----	X	

WHEREAS, the New York City Conflicts of Interest Board (the "Board") commenced an enforcement action pursuant to Section 2603(h)(1) of Chapter 68 of the New York City Charter ("Chapter 68") against Marlon Scanterbury ("Respondent"); and

WHEREAS, the Board and Respondent wish to resolve this matter on the following terms,

IT IS HEREBY AGREED by and between the parties as follows:

1. In full satisfaction of the above-captioned matter, Respondent admits to the following:

- a. Since September 23, 1998, I have been employed by the New York City Department of Education ("DOE"), most recently as a teacher at P.S. 66 in Brooklyn. As such, during this time I have been a "public servant" within the meaning of Chapter 68.
- b. During the 2011-2012 school year, P.S. 66 held a Character Incentive Program, designed to help students improve social skills and academics and build good character. As part of this program, P.S. 66 teachers would give students "keys," which are stickers placed in a special book that can be redeemed three times a year for small items on display in the main lobby of the school.
- c. In or around November 2011, during hours I was required to be teaching, I informed my students, 11 and 12 years of age, that my family had made homemade soap, which I was selling for \$3.00 or \$4.00 a bar. I further informed my students that, for each bar of soap purchased, I would give the student 10 "keys."
- d. In or around January 2012, during hours I was required to be teaching, I informed my students that, for each bar of soap purchased, in addition to 10 "keys," the student would also receive one "no homework pass."

- e. At least three of my students purchased a bar of soap from me for \$3.00 or \$4.00, and I gave each student 10 “keys” in exchange. At least one student purchased three bars of soap from me for \$12.00, and I gave that student 30 “keys” in exchange. I also gave at least one student a “no homework pass” in exchange for that student’s soap purchase.
- f. I acknowledge that, by selling soap to my students and by incentivizing those sales by offering ten “keys” and then a “no homework pass” in exchange for each purchase, I used my City position to obtain a financial gain in violation of Chapter 68, specifically City Charter § 2604(b)(3), which states:

No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.

- g. I acknowledge that, by engaging in private soap sales at times I was required to be teaching, I violated Chapter 68, specifically City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(a), which state respectively:

No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties. [City Charter § 2604(b)(2)]

Except as provided in subdivision (c) of this section, it shall be a violation of City Charter § 2604(b)(2) for any public servant to pursue personal and private activities during times when the public servant is required to perform services for the City. [Board Rules § 1-13(a)]

2. In recognition of the foregoing, Respondent agrees to the following:

- a. I agree to pay a fine of Four Thousand Dollars (\$4,000) to the Board, by money order or by cashier, bank, or certified check, made payable to the “New York City Conflicts of Interest Board,” on or before September 5, 2012.
- b. I agree that this Disposition is a public and final resolution of the Board’s charges against me.
- c. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States, and to contest

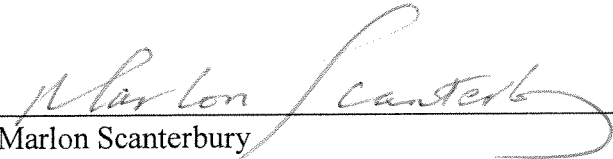
the lawfulness, authority, jurisdiction, or power of the Board in imposing the penalty that is embodied in this Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Board, or any members or employees thereof relating to or arising out of this Disposition or the matters recited therein.

- d. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress, and after having had the opportunity to be represented by an attorney of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or tendered by any past or present representative of the Board; and that I fully understand all the terms of this Disposition.
- e. I agree that any material misstatement of the facts of this matter, including of the Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of the confidentiality of this matter.


3. The Board accepts this Disposition and the terms contained herein as a final disposition of the above-captioned matter only, and affirmatively states that other than as recited herein, no further action will be taken by the Board against Respondent based upon the facts and circumstances set forth herein, except that the Board shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

4. This Disposition shall not be effective until all parties have affixed their signatures below.

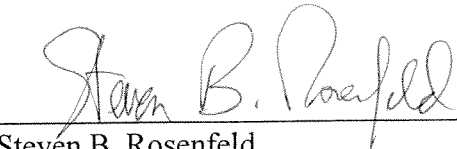
Dated: Sept 30, 2012


Marlon Scanterbury
Respondent

Dated: Oct. 10, 2012


Yvonne M. Mariette
New York State United Teachers
Counsel for Respondent

Dated: October 17, 2012


Steven B. Rosenfeld
Chair
NYC Conflicts of Interest Board